



Office of Faith-Based and Community Initiatives

Mitchell E. Daniels, Jr., *Governor* • Paula Parker-Sawyers, *Executive Director*

COMMUNICATION

2006-P-09

TO: AmeriCorps*State Sub-Grantee Organizations
FROM: Paula Parker-Sawyers
CC: Agency Operations Manual (2006)
DATE: August 17, 2006
SUBJECT: **AmeriCorps*State Member Background Checks**

PURPOSE

To establish a policy for conducting criminal history background checks on individuals serving in the AmeriCorps*State program.

EFFECTIVE DATE

August 21, 2006

SCOPE

This communication applies to all AmeriCorps*State sub-grantee organizations.

RECESSION

None.

STATEMENT OF POLICY

A. *Definitions.*

Employee refers to an individual or individuals paid from AmeriCorps*State grant funds.

Member means an individual:

- (1) Who is enrolled in an approved national service position;
- (2) Who is a U.S. citizen, U.S. national or lawful permanent resident alien of the United States

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- (3) Who is at least seventeen (17) years of age at the commencement of service unless the member is out of school and enrolled
 - a. in a full-time, year-round youth corps Program or full-time summer Program as defined in the Act (42 U.S.C. 12572 (a)(2)), in which case he or she must be between the ages of sixteen (16) and twenty-five (25), inclusive, or
 - b. in a Program for economically disadvantaged youth as defined in the Act (42 U.S.C. 12572 (a)(9)), in which case he or she must be between the ages of sixteen (16) and twenty-four (24), inclusive, and
 - c. Has a high school diploma or an equivalency certificate (or agrees to obtain a high school diploma or its equivalent before using an education award) and who has not dropped out of elementary or secondary schools in order to enroll as an AmeriCorps member (unless enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 484 of the Higher Education Act of 1965, 20 U.S.C. 1091), or who has been determined through an independent assessment conducted by the sub-grantee organization to be incapable of obtaining a high school diploma or its equivalent.

Sub-grantee means the host organization with legal and fiscal responsibilities for an AmeriCorps*State formula or competitive program and its members.

B. *Mandatory Eligibility.*

- (1) The sub-grantee organization shall conduct a limited criminal history background check, which shall include a check of Indiana's Sex Offender Registry, on all AmeriCorps*State members age eighteen (18) and older.
- (2) The sub-grantee organization shall conduct a limited criminal history background check, which shall include a check of Indiana's Sex Offender Registry, on all employees age eighteen (18) and older.
- (3) Criminal history background checks shall be required for all members and employees for each state or locality in which the member or employee resided during the preceding ten (10) years for a period of twelve (12) months or longer.
- (4) The sub-grantee organization may require that its members and employees obtain and pay for criminal history background checks as a condition of service or employment.

C. *Documentation.*

- (1) The sub-grantee organization shall maintain background check documentation for both members and employees covered by this policy in the member or employee's file or other appropriate file.
- (2) Such documentation shall demonstrate that, in selecting or placing an individual, the sub-grantee organization reviewed and considered the background check's results.

D. *Selection Criteria.*

- (1) It shall be the responsibility of the sub-grantee organization to develop criteria for the selection or employment of members or employees with a criminal history.

E. *Compliance with Applicable Laws.*

- (1) The sub-grantee shall comply with all federal, state, and local laws relative to the conduct of criminal history checks, the documentation of such checks, and selection and employment of individuals with a history of criminal offenses.

REFERENCES AND PRECEDENCE

A. *References.*

AmeriCorps Special Provisions.

B. *Precedence.*

Should there be any inconsistency between the United States and Indiana Codes, Indiana Executive Orders, U.S. and Indiana Administrative Codes, and this internal policy the order of precedence that will prevail is (1) United States and Indiana Codes; (2) AmeriCorps General Provisions; (3) AmeriCorps Special Provisions; (4) this internal policy.

INTERPRETATION

The OFBCI executive director shall have the sole authority to interpret the provisions set forth in this policy.

APPROVAL:



Paula Parker-Sawyers, Executive Director

August 17, 2006

Date